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P.T.O./S.R.30 (05-01)

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**Address to: RCE
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/814,357
Filing Date	March 21, 2001
First Named Inventor	YU, DE-CHAO
Art Unit	1035
Examiner Name	WHITEMAN, BRIAN
Attorney Docket Number	CELL-017

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission** required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be only for _____)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Postcard

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 13 months. Fees under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17 (e) is required by 37 C.F.R. § 1.114 when RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0815
- i. ☒ RCE fee required under 37 C.F.R. § 1.17 (e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.138 and 1.17)
- iii. ☒ Other Fee Transmittal in duplicate
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)
- WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Pamela J. Sherwood	Registration No. (Attorney/Agent)	36,677
Signature	<i>Pamela J. Sherwood</i>	Date	September 2, 2003

EXPRESS MAIL LABEL NO. EV333899013US

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTCWSB/17 (05-001)

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FEE TRANSMITTAL
for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$580)

Complete if Known

Application Number	09/814,357
Filing Date	March 21, 2001
First Named Inventor	YU, DE-CHAO
Examiner Name	WHITEMAN, BRIAN
Art Unit	1635
Attorney Docket No.	CELL-017

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account

Deposit Account Number 50-0815

Deposit Account Name Bozicevic, Field & Francis LLP

The Commissioner authorized to: (check all that apply)

☒ Charge fees indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fees indicated below, except for the filing fee to the above identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
1001	2001	Utility filing fee	
1002	2002	Design filing fee	
1003	2003	Plant filing fee	
1004	2004	Reissue filing fee	
1005	2005	Provisional filing fee	

SUBTOTAL (1)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Indep. Claims	-20** =	x	=
Multiple Dependent	-3** =	x	=

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
1202	2202	Claims in excess of 20	
1201	2201	Independent claims in excess of 3	
1203	2203	Multiple dependent claim, if not paid	
1204	2204	** Reissue independent claims over original patent	
1205	2205	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) \$

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
1051	2051	Surcharge - late filing fee or oath	
1052	2052	Surcharge - late provisional filing fee or cover sheet	
1053	2053	Non-English specification	
1812	2812	For filing a request for Ex parte examination	
1804	2804	Requesting publication of SIR prior to Examination action	
1805	2805	Requesting publication of SIR after Examiner action	
1251	2251	Extension for reply within first month	
1252	2252	Extension for reply within second month	205
1253	2253	Extension for reply within third month	
1254	2254	Extension for reply within fourth month	
1255	2255	Extension for reply within fifth month	
1401	2401	Nature of Appeal	
1402	2402	Filing a brief in support of an appeal	
1403	2403	Request for oral hearing	
1451	2451	Felt on to institute a private use proceeding	
1452	2452	Petition to revive - unavoidable	
1453	2453	Petition to revive - unintentional	
1501	2501	Utility issue fee (or reissue)	
1502	2502	Design issue fee	
1503	2503	Plant issue fee	
1400	2400	Petitions to the Commissioner	
1807	2807	Processing fee under 37 CFR 1.17(d)	
1808	2808	Submission of Information Disclosure Sheet	
6021	6021	Recording each patent assignment per property (times number of properties)	
1809	2809	Filing a submission after final rejection (37 CFR § 1.125(a))	
1810	2810	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	2801	Request for Continued Examination (RCE)	375
1802	2802	Request for expedited examination of a design application	

Other fee (specify):

*Reduced by R.C.E. Filing Fee Paid

SUBTOTAL (3) (\$580)

SUBMITTED BY

Name (Print/Type)	Patricia J. Sherwood	Registration No. (Attorney/Agent)	38,877	Telephone	(650) 327-3400
Signature	<i>Patricia J. Sherwood</i>			City	09/02/2003

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EXPRESS MAIL : EV333 999 013 US		09-02-2003
SUPPLEMENTAL RESPONSE Address to: Assistant Commissioner for Patents Washington, D.C. 20231	Attorney Docket No.	CELL-017
	Confirmation No.	3927
	First Named Inventor	YU, DE-CHAO
	Application Number	09/814,357
	Filing Date	March 21, 2001
	Group Art Unit	1635
	Examiner Name	WHITEMAN, BRIAN
Title: "Methods of Treating Neoplasia with Combinations of Target Cell-Specific Adenovirus, Chemotherapy and Radiation"		

Sir:

This amendment is Supplemental to Applicants response of July 2, 2003. Entry of the previously proposed amendments is respectfully requested. Further amendments are set forth herein. In view of the amendments to the claims and the remarks put forth below, reconsideration and allowance are respectfully requested.

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CERTIFICATE OF TRANSMISSION			
I hereby certify that this correspondence is being transmitted by facsimile transmission to the United States Patent and Trademark Office on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231. Facsimile No.: (703) 872-9306			
Typed or Printed Name	Susan M. Alessi	Date	December 2, 2003
Signature	<i>Susan Alessi</i>		

FACSIMILE TRANSMITTAL
BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road
Suite 200
Menlo Park, California 94025
Telephone (650) 327-3400
Facsimile (650) 327-3231

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Date: December 2, 2003
To: Please deliver to Examiner Brian Whiteman
Art Unit 1635, USPTO
Facsimile No.: (703) 872-9306
From: Susan M. Alessi assisting
Pamela J. Sherwood, Ph.D., Reg. No. 36,677
Re: U.S. Patent Application No. 09/814,357
Attorney Docket No.: CELL-017

Message:

Per your conversation with Pamela Sherwood, please find attached copy of RCE filed on September 2, 2003.

If there are any problems concerning the transmission for these documents please contact Susan M. Alessi at (650) 833-7714 or via email at alessi@bozpal.com.
Thank you!

Total number of pages, including this cover sheet: 9

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